

Hoff, David

From: McKim, Krista
Sent: Thursday, August 08, 2013 7:41 AM
To: Landretti, Jane R - DNR; Wester, Barbara; Bell, Brian; White, Quintin; pritchard.gary@epamail.epa.gov; Pierard, Kevin; Opie, Jodie; Kuefler, Patrick
Cc: Heilman, Cheryl W - DNR; Johnson, Bradley A - DNR; Lynch, Lawrence J - DNR; Lowndes, MaryAnne - DNR; Bertolacini, Jim K - DNR; Rasmussen, Russell A - DNR; Luebke, Paul W - DNR
Subject: RE: WDNR follow up: Storm Water WPDES Coverage

Dear Jane,

Thank you very much for your time on the phone as well, and for taking the time to follow up via email.

I'd like to ask for one point of clarification – you mention below that WDNR has 14 days to respond to a complete NOI. Have you received an NOI for coverage of the bulk sampling activities? I know only of the NOI for coverage of improving Access Road 3.

One point of clarification regarding what we were recommending on the phone call on Tuesday – we were recommending the use of an individual WPDES permit to cover the bulk sampling activities, not that you work to provide coverage under WDNR's industrial stormwater GP.

Thank you, also, for providing the timeline by which you would like to receive feedback from us.

Best Regards,
Krista

Krista McKim, PE
Environmental Engineer
NPDES Programs Branch
US Environmental Protection Agency
Region 5, WN-16J
77 W Jackson Blvd
Chicago, IL 60604
ph: 312.353.8270
fax: 312.697.2734
McKim.Krista@epa.gov

From: Landretti, Jane R - DNR [<mailto:Jane.Landretti@wisconsin.gov>]
Sent: Wednesday, August 07, 2013 4:32 PM
To: McKim, Krista; Wester, Barbara; Bell, Brian; White, Quintin; pritchard.gary@epamail.epa.gov
Cc: Heilman, Cheryl W - DNR; Johnson, Bradley A - DNR; Lynch, Lawrence J - DNR; Lowndes, MaryAnne - DNR; Bertolacini, Jim K - DNR; Rasmussen, Russell A - DNR; Luebke, Paul W - DNR
Subject: WDNR follow up: Storm Water WPDES Coverage

Thank you for taking the time yesterday to discuss the WPDES permitting process as it relates to proposed bulk sampling activities.

As we indicated on the phone, WDNR believes that coverage under the Construction Site Storm Water General Permit is the most environmentally protective permit coverage afforded by Wisconsin law for WPDES coverage of GTAC's bulk sampling activities. Although Industrial Storm Water General Permit coverage is also

available for coverage of bulk sampling activities, the WDNR seeks to apply the more stringent Construction Site General Permit coverage and its required performance standards. Those performance standards require the permittee to achieve total suspended solids reductions that are not required of entities covered under the Industrial Storm Water Coverage General Permit. Accordingly, WDNR believes that coverage under the Wisconsin Construction Site General Permit is the most environmentally protective permitting authority available for bulk sampling activity.

If you disagree with our conclusion, we request a written response that indicates as much, and the legal basis for your position. As we discussed yesterday, Wisconsin law affords eligible applicants coverage under the Construction Site Storm Water General Permit within 14 days of a complete Notice of Intent. Accordingly, please provide any response by the end of business on Friday, August 9.

We also appreciate your stated willingness to provide us examples of other storm water NPDES permits that included effluent limits for bulk sampling activity.

Regards,

 *Jane R. Landretti*

Staff Attorney

Bureau of Legal Services

Wisconsin Department of Natural Resources

(☎) phone: 608.267.7456

(✉) e-mail: jane.landretti@wisconsin.gov